



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: WEN, Sam, et al.)
Serial No.: 09/981,317) Examiner: Not Yet Assigned
Filed: 16 Oct. 2001)
Confirmation No.: 4965) Group Art Unit: 2151
For: TRANSFER OF AN INTERNET CHAT)
SESSION BETWEEN SERVERS)

**PETITION PURSUANT TO 37 CFR § 1.47 TO WAIVE REQUIREMENT FOR
DECLARATION FROM INVENTOR SAM WEN**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

After diligent efforts delineated in the Statement of Facts below, Applicants have been unable to contact Co-inventor Sam Wen to obtain an executed declaration. As a result, and pursuant to 37 CFR Section 1.47, Applicants respectfully petition the Commissioner to accept the executed declarations of Co-inventors Warner and Birnbaum and permit them to file the above-referenced patent application on behalf of themselves as well as Mr. Wen.

STATEMENT OF FACTS

The facts presented herein on based on the personal knowledge of the undersigned, Charles L. Warner, who is both attorney for the Applicants and a Co-inventor.

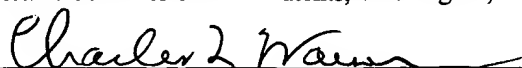
On October 11, 2001, the undersigned forwarded a Declaration for the inventors to Eshare Technologies, Inc. ("eshare"), the employer of Messrs. Wen and Birnbaum. (Exhibit A)

On October 16, 2002, the undersigned advised Eshare that the application had been filed and that an attempt should be made to locate Mr. Wen. (Exhibit B)

On November 26, 2001, the undersigned forwarded an after-filing Declaration for the inventors to Eshare. (Exhibit C)

On December 13, 2001, Eshare advised the undersigned that Mr. Wen had not returned the telephone call of eshare, and also advised the undersigned of the last known address of Mr. Wen. (Exhibit D)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on February 19, 2002.


Charles L. Warner II - Reg. No. 32,320

03/11/2002 AOSMANI 00000055 09981317

130.00 00

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On December 13, 2001, the undersigned mailed to Mr. Wen, at his last known address, via Express Mail, a Declaration and Assignment for execution (Exhibit E), at Mr. Wen's last known address: 177 Chapin C2031; Stony Brook, NY 11790.

Applicant encloses a copy of the tracking information for tracking number EL755875762US. (Exhibit F). This tracking information indicates that the letter was signed for by an "X Sun" at the East Setauket, NY 11733 Post Office on December 19, 2001.


Applicant also encloses a copy of an assignment of the corresponding underlying invention and provisional application executed by Mr. Wen in favor of Inventions, Inc. (Exhibit G) The assignment was recorded March 8, 2001, at Reel/Frame 011573/0130. Inventions, Inc. is a wholly-owned subsidiary of Eshare; and Eshare was merged into Divine, Inc. on October 23, 2001.

CONCLUSION

Applicant respectfully petitions the Commissioner to accept the executed Declarations of Co-inventors Birnbaum and Warner and to permit these Co-inventors to file the above-referenced patent application on Mr. Wen's behalf as well as their own.

The enclosed check includes \$130.00 for the associated petition fee. The Commissioner is authorized to charge any additional fee or credit any overpayment associated with this petition to Deposit Account 20-1507.

Respectfully submitted,



Charles L. Warner II
Reg. No. 32,320

Troutman Sanders LLP
600 Peachtree Street NE, Suite 5200
Atlanta, Georgia 30308-2216
Direct Telephone No.: 404-885-3275
Direct Fax No.: 404-962-6723

Attorney Docket No. INVE25US



Warner, Charl s L.

From: Warner, Charles L.
Sent: Thursday, October 11, 2001 11:15 AM
To: 'Kirk Somers'
Subject: Documents for US application for Warm Transfer INVE25US

TO: Kirk Somers, Esq.; eshare communications, Inc.
FROM: Charles L. Warner II; Troutman Sanders LLP
Tel: 404-885-3275
Fax: 404-962-6723

CONFIDENTIALITY NOTICE

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RE: Documents for "Transfer of An Internet Chat Session Between Servers" (a/k/a "Warm Transfer Of An Internet Chat Session") by Sam Wen, Bradley S. Birmbaum, and Charles L. Warner
Our File: INVE25US
Your Concept No. 16

Dear Kirk:

Attached is the Declaration for the subject US non-provisional patent application. Please have it signed and dated and return it to me by fax, original by mail.

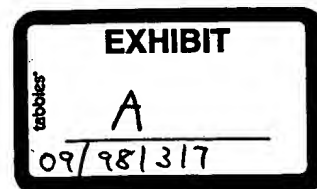
If we cannot get it signed in time for filing, we can file it afterwards as we will get a "Notice of Missing Parts".

Sincerely,
Chuck



INVE25US

ation Power Attorney \





Warn r, Charles L.

Fr m: Warner, Charles L.
S nt: Tuesday, October 16, 2001 3:18 PM
T : 'Kirk Somers'
Subject: INVE25US Warm Transfer Session As Filed

TO: Kirk Somers, Esq.; eshare communications, Inc.
FROM: Charles L. Warner II; Troutman Sanders LLP
Tel: 404-885-3275
Fax: 404-962-6723

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RE: "Transfer of An Internet Chat Session Between Servers" (a/k/a "Warm Transfer Of An Internet Chat Session") by Sam Wen, Bradley S. Birnbaum, and Charles L. Warner
Our File: INVE25US
Your Concept No. 16

Dear Kirk:

Attached is the US application, as filed today, Express Mail Label EL755852205US. A paper copy will follow.

I expect that we will get our return postcard, with the serial number, in a couple of weeks. At that time I will prepare new Declarations. (The ones I previously sent you were for the situation where they are filed with the application, which is no longer the case here.)

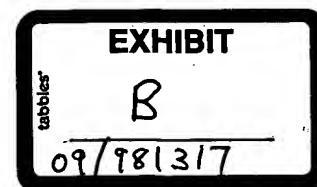
Therefore, other than tracking down Sam Wen, don't spend any time trying to get a signature from him.

The PCT application will be filed tomorrow and will be slightly different because of the way I rearranged the claims.

Sincerely,
Chuck

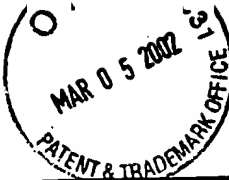


AS FILED INVE25US
warm transfer internet



Warner, Charles L.

Fr m: Warner, Charles L.
Sent: Monday, November 26, 2001 5:12 PM
T: 'Phillips, Anna'
Subject: RE: Shaoxiong (Sam) Wen



INVE25US INVE27USP Web
claration Warm TrarBrowser Collabor...

TO: Anna Phillips; Divine, Inc.
FROM: Charles L. Warner II; Troutman Sanders LLP
Tel: 404-885-3275
Fax: 404-962-6723

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=====

There were two documents, each for a different case: a Declaration for the Warm Transfer Case (Concept 16), and an Assignment for the Web Browser Collaboration Case (Concept 18). They are attached. Let me know if you need me to mail or fax them to you.

Please ask Sam, or whoever, to check his address and his citizenship and let me know if there is any change. It would also be nice to have a daytime telephone number or other contact for him.

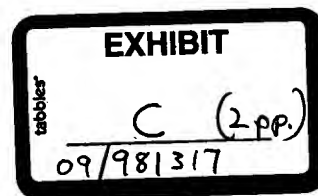
Call if you have any questions.

Thanks.

Chuck

-----Original Message-----

From: Phillips, Anna [mailto:annap@eshare.com]
Sent: Monday, November 26, 2001 4:02 PM
To: 'chuck.warner@troutmansanders.com'
Subject: Shaoxiong (Sam) Wen



Hi Chuck,

Kirk Somers was trying to initiate contact with Sam Wen to sign a patent assignment form prior to Kirk's departure from the company last week. I have spoken with someone in our New York office who can get in touch with Mr. Wen and has asked that we forward whatever form that we need signed directly to her.

Kirk said he thought this was for either Concept 14 (Web collaboration) or Concept 16 (Warm Transfer?) or possibly both. Would you please check this out for me and either forward the form(s) or advise if you need something further from us.

Many thanks,

Anna Phillips
Executive Assistant to Aleksander Szlam
divine, inc. (formerly eshare communications, Inc.)
770/239-4510 (phone)
770/239-4511 (fax)

Warner, Charles L.

Fr m: Anna Phillips [anna.phillips@divine.com]
Sent: Thursday, December 13, 2001 2:45 PM
T : 'Chuck Warner'
Subject: FW: Sam Wen

-----Original Message-----

From: Anna Phillips [mailto:anna.phillips@divine.com]
Sent: Thursday, December 13, 2001 11:07 AM
To: 'Chuck Warner'
Subject: FW: Sam Wen

Here is the last address that our New York office has for Sam Wen.

Anna Phillips
Executive Assistant to Aleksander Szlam
divine, inc. (formerly eshare communications, Inc.)
770/239-4510 (phone)
770/239-4511 (fax)

-----Original Message-----

From: Gallose, Stacy
Sent: Thursday, December 13, 2001 10:52 AM
To: Phillips, Anna
Subject: RE: Sam Wen

Here is the address we have:

177 Chapin Complex Apt 2031
Stonybrook, NY 11790
516-216-2153

-----Original Message-----

From: Phillips, Anna
Sent: Monday, December 10, 2001 4:55 PM
To: Gallose, Stacy
Subject: RE: Sam Wen

Stacy --

Our outside counsel has asked for a mailing address for Sam. Can you help me on that?

Thanks,
Anna

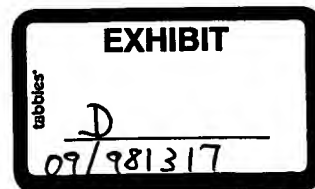
-----Original Message-----

From: Gallose, Stacy
Sent: Monday, December 10, 2001 10:09 AM
To: Phillips, Anna
Subject: RE: Sam Wen

We have a call into him but so far he has not gotten back to us. Once he does, we still have an issue with getting the document notarized. I will keep you in the loop.

-----Original Message-----

From: Phillips, Anna
Sent: Monday, December 10, 2001 9:56 AM





TROUTMAN SANDERS LLP

ATTORNEYS AT LAW
A LIMITED LIABILITY PARTNERSHIP

BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E. - SUITE 5200
ATLANTA, GEORGIA 30308-2218
www.troutmansanders.com
TELEPHONE: 404-885-3000
FACSIMILE: 404-885-3900

Charles L. Warner II
chuck.warner@troutmansanders.com

Direct Dial: 404-885-3275
Direct Fax: 404-962-6723

December 13, 2001

EXPRESS MAIL LABEL NO. EL 755875762 US

Mr. Sam Wen
177 Chapin C2031
Stony Brook, NY 11790

RE: US Non-Provisional Patent Application Serial No. 09/981,317 for **"TRANSFER OF AN INTERNET CHAT SESSION BETWEEN SERVERS"**

Our File: INVE25US

ACTION REQUIRED: SIGN DECLARATION

DATE REQUIRED: January 5, 2002

AND

RE: US Provisional Patent Application Serial No. 60/279,380 for
"COLLABORATION BETWEEN TWO COMPUTING DEVICES"

Our File: INVE27USP

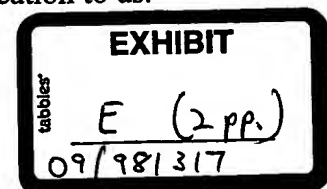
ACTION REQUIRED: SIGN ASSIGNMENT

DATE REQUIRED: January 5, 2002

Dear Mr. Wen:

Enclosed is a Declaration stating that you are an inventor of the invention described in the patent application entitled **"TRANSFER OF AN INTERNET CHAT SESSION BETWEEN SERVERS"**. Please sign and date the Declaration and return it to us by **January 5, 2002**. A copy of the application as filed is enclosed for your convenience. You do not need to return the copy of the patent application to us.

Also enclosed is an Assignment of the invention described in the patent application entitled **"COLLABORATION BETWEEN TWO COMPUTING DEVICES"**. Please sign and date the Assignment and return it to us by **January 5, 2002**. If possible, please have the Assignment notarized before returning it to us. A copy of the application as filed is enclosed for your convenience. You do not need to return the copy of the patent application to us.

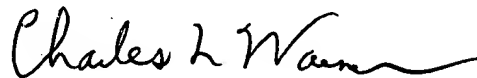


TROUTMAN SANDERS LLP
ATTORNEYS AT LAW
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Mr. Sam Wen
December 13, 2001
Page 2

Please do not hesitate to call me if any of the information listed therein is incorrect or if you have any questions. My email address and direct telephone number are above.

Sincerely,


Charles L. Warner II

Enclosures (Declaration, Assignment, Patent Applications)



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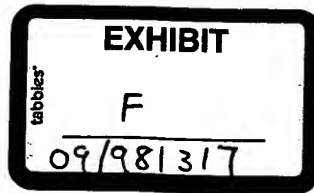


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Keyword/Search

keyword

search



Shipment History

You entered EL75 5875 762U S

Your item was delivered at 8:39 am on December 19, 2001 in EAST SETAUKET, NY 11733. The item was signed for by X SUN.

Here is what happened earlier:

- NOTICE LEFT, December 15, 2001, 11:29 am, STONY BROOK, NY 11790
- NOTICE LEFT, December 15, 2001, 10:23 am, STONY BROOK, NY 11790
- ARRIVAL AT UNIT, December 15, 2001, 8:13 am, STONY BROOK, NY 11790
- ENROUTE, December 15, 2001, 2:14 am
- ACCEPTANCE, December 13, 2001, 3:43 pm, ATLANTA, GA 30308

[Request Delivery Record >](#)

Track & Confirm

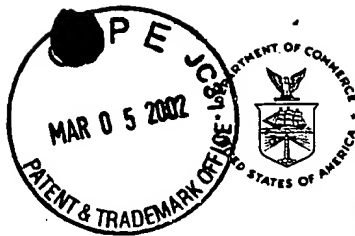
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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MAY 16, 2001

PTAS



101636849A

TROUTMAN SANDERS LLP
CHARLES L. WARNER
600 PEACHTREE STREET, NE
BANK OF AMERICA PLAZA, SUITE 5200
ATLANTA, GA 30308-2216

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/08/2001

REEL/FRAME: 011573/0130
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
WEN, SAM

DOC DATE: 01/18/2001

ASSIGNOR:
BIRNBAUM, BRADLEY S.

DOC DATE: 02/16/2000

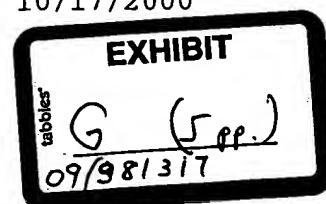
ASSIGNOR:
WARNER, CHARLES L.

DOC DATE: 02/27/2001

ASSIGNEE:
INVENTIONS, INC.
5051 PEACHTREE CORNERS CIRCLE
A CORPORATION OF THE STATE OF
GEORGIA
NORCROSS, GEORGIA 30092-2500

SERIAL NUMBER: 60241050
PATENT NUMBER:

FILING DATE: 10/17/2000
ISSUE DATE:



011573/0130 PAGE 2

SHARON LATIMER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

ASSIGNMENT

WHEREAS, we, **Sam Wen**, a citizen of the Peoples Republic of China, residing at 177 Chapin C2031, Stony Brook, New York 11790, **Bradley S. Birnbaum**, a citizen of the United States of America, residing at 2165 Bella Sonia Court, Muttontown, New York 11791, and **Charles L. Warner II**, a citizen of the United States of America, residing at 117 Pope Circle, Decatur, Georgia 30030, have invented certain inventions and improvements disclosed in an application for Letters Patent entitled "TRANSFER OF AN INTERNET CHAT SESSION BETWEEN SERVERS", filed in the United States Patent and Trademark Office on June 23, 2000 and assigned patent application serial no. 60/241050; and

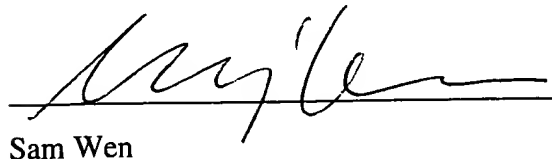
WHEREAS, **Inventions, Inc.**, a corporation of the State of Georgia having a principal place of business at 5051 Peachtree Corners Circle, Norcross, Georgia 30092-2500, is desirous of acquiring an interest in the same;

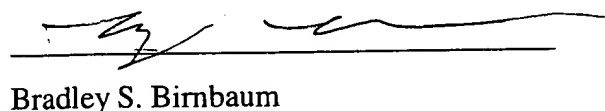
NOW, THEREFORE, for and in consideration of Five Dollars (\$5.00) and other good and valuable consideration, the receipt and sufficiency of which we hereby acknowledge, we, **Sam Wen, Bradley S. Birnbaum, and Charles L. Warner II** by these presents do sell, assign and transfer unto **Inventions, Inc.** the full, exclusive and entire right, title, and interest in and to said application, in and to any divisions, continuations, continuations-in-part, and reissues thereof, and in and to all inventions and improvements disclosed and described in said application, preparatory to obtaining Letters Patent of the United States therefor; and we hereby request the Commissioner of Patents and Trademarks to issue any and all Letters Patent of the United States resulting from said application, or from a division, continuation, or reissue thereof, to **Inventions, Inc.**, as the assignee, for its interest and for the sole use and benefit of **Inventions, Inc.** and its assigns and legal representatives.

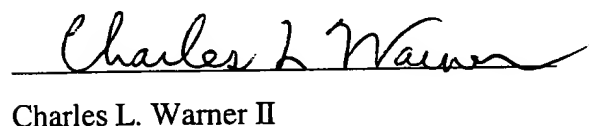
For the same consideration, we, by these presents do sell, assign, and transfer to **Inventions, Inc.**, the full, exclusive, and entire right, title and interest in and to any application or applications (corresponding applications) filed or which may be filed in countries other than the United States which correspond to said application or claim priority of said application in whole or in part, in and to any Letters Patent and similar protective rights granted on said corresponding applications, and in and to the right to claim any applicable priority rights arising from or

required for said corresponding applications under the terms of any applicable conventions, treaties, statutes, or regulations, said applications to be filed and issued in the name of Inventions, Inc., or its designee, insofar as permitted by applicable law.

AND, for the same consideration, we agree, without charge to Inventions, Inc. but at its expense, to sign all lawful papers, execute all division, continuing, reissue and other applications, make all assignments and rightful oaths, and generally do everything reasonably possible to aid Inventions, Inc., its successors, assigns, and nominees, to obtain and enforce proper protection for all said inventions and improvements in all countries throughout the world.

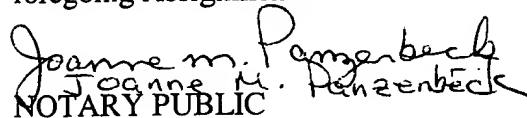

Sam Wen


Bradley S. Birnbaum


Charles L. Warner II

STATE OF ^{New York} ~~GEORGIA~~
COUNTY OF Suffolk

Before me, a Notary Public in and for the State of ^{New York} ~~Georgia~~, on this 18 day of January 2000, personally appeared **Sam Wen**, who being duly sworn, signed and acknowledged the foregoing Assignment as his free act and deed.


NOTARY PUBLIC

(SEAL)

My Commission Expires:

NOTARY PUBLIC
JOANNE M. PANZENBECK
01PA6030918

SUFFOLK COUNTY - STATE OF NEW YORK
EXPIRATION DATE: SEPTEMBER 20, 2001

New York
STATE OF ~~GEORGIA~~
COUNTY OF Suffolk

Before me, a Notary Public in and for the State of ~~Georgia~~ ^{New York}, on this 16 day of February 2000, personally appeared **Bradley S. Birnbaum**, who being duly sworn, signed and acknowledged the foregoing Assignment as his free act and deed.

Joanne M. Panzenbeck
Joanne M. Panzenbeck
NOTARY PUBLIC

(SEAL)

My Commission Expires:

NOTARY PUBLIC
JOANNE M. PANZENBECK
01PA6030918
SUFFOLK COUNTY - STATE OF NEW YORK
EXPIRATION DATE: SEPTEMBER 20, 2001

STATE OF GEORGIA
COUNTY OF Cobb

Before me, a Notary Public in and for the State of Georgia, on this 27th day of Feb., 2000, personally appeared **Charles L. Warner II**, who being duly sworn, signed and acknowledged the foregoing Assignment as his free act and deed.

Martha M. Harrington
NOTARY PUBLIC

(SEAL)

My Commission Expires:

Notary Public, Cobb County, Georgia
My Commission Expires August 5, 2004

Attorney File No.: INVE25USP

0647583